

**PUBLIC WORKS AND TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **June 17, 2003**.

MEMBERS PRESENT:

Legislator Joseph Caracappa - Chairman
Legislator Brian Foley - Vice-Chairman
Legislator William Lindsay
Legislator George Guldi
Legislator Andrew Crecca

ALSO IN ATTENDANCE:

Paul Sabatino II - Counsel to the Legislature
Charles Bartha - Commissioner of DPW
Bill Shannon - DPW Highway
John Ortiz - Budget Review Office
Phyllis McAlevey - Aide to Legislator Caracappa
Brian Galgano - Aide to P.O. Postal
Rich LaValle - DPW
Leslie Mitchel - DPW
Lou Brida - LI Transit Authority
Tedd Godek - SC Architect
Bill Shannon - DPW
Jim Peterman - DPW
Tom Donovan - Aide to Legislator Guldi
Frank Tassone - Aide to Legislator Crecca
Edward Barr
Julie Ben Susan
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 2:56 P.M.*)

CHAIRMAN CARACAPPA:

I'd like to start the Public Works meeting with a salute to the flag led by Legislator Lindsay.

SALUTATION

CHAIRMAN CARACAPPA:

Good afternoon. I have one card, Lou Brida. Same thing as last time, Mr. Brida.

MR. BRIDA:

Good afternoon. I just want to brief you a little bit on what happened since I was here at that time last committee meeting. I put in a request with Brookhaven Town to open up the closed access road to the Expressway and Maple Crest Development. And I got a phone call yesterday from Pauline in Public Safety. She said I should go there and bring a petition around and let all the people sign it. My contention is that that road never should have been closed in the first place. It's causing approximately, I would guess, 600 extra vehicles on Portion Road, because the only access to the Maple Crest Development is Portion Road.

Now, this concerns County Road 16 and the \$26 point million that is proposed that the County approve alternate number four from the Public Works Department. Okay. They said originally there was civic association called Maple Crest Civic Association that wanted it closed, and they put the emphasis on the fact an employee of Brookhaven Town actually lived in the community and used his influence to close the road. It's moot point. I don't care about that, okay? But I think if we are going to spend \$26 million, I think we should do everything we possibly can to remove the traffic from the road. I think we should give Maple Crest Development a chance to go to the Expressway without using Portion Road. The opportunity is not there now. They only have to go north. They cannot go south to the Expressway. They cannot go to Waverly Avenue. They cannot go to Morris Avenue. They cannot go west or east or south. They can only go north, okay? That matter's discussed.

The next thing I would like to talk about is the other traffic problems on County Road 16. We have three large high schools, all built on the north side, okay? Sachem North should have been built in Holbrook. And in 1971, it wasn't, it was built near Lake Grove. I have a letter from Walter {Dunim} from the Superintendent of Schools thanking elected officials as well as the school board for the decision to put Sachem North where it is. Okay. I know there was a problem with taxes, and I know people in Holbrook were screaming and yelling, we don't need a new high school. That I'm aware of. And perhaps the Lake Ronkonkoma people on the school board said, gee, if they don't want a new high school, we'll keep it for ourselves. But that fact is one of the biggest factors that there's so much traffic on County Road 16.

Let's move on to Sachem East now being built. Because of Sachem North where it is and because Islip Town purchased remaining 100 acres in 1986 that Sachem had in Holbrook, it now causes the school district to build an extra large high school up in the hills of Farmingville next to what's going to be Brookhaven Town Hall in the near future, they already purchased the property, the All State building, okay? So this is adding to traffic and is preventing the school district from building a Holbrook High School, which would alleviate the traffic on County Road 16. Tonight I'm going to the school board meeting, and I'm going to ask them again, okay, why isn't somebody talking to Islip Town about this? Why isn't -- Holbrook is the largest town in Islip Town that does not have a high school. It has about 30,000 people. And if you take a list of all the towns in Islip Town, Holbrook, I believe, would be in the top five in the population. The only ones that I know off the top of my head is Brentwood and Central Islip and West Islip, perhaps is larger.

And there are many towns in Islip that have high schools that have less population than Holbrook. So when you were bussing with something like 200 buses around the school district, \$13.5 million transportation budget for Sachem School District, and you consider that we only paid -- I mean, we only -- Islip only paid us a grand total of one million and a half dollars for that land in 1986 or basically \$15,000 dollars an acre, we are paying -- I feel in a couple of years, we're going to be paying more per year to bus Holbrook residents to Sachem East and to Sachem North. We've dividing Holbrook in half, half is going to go to Sachem North and half is going to Sachem East. That's another topic that the school board should really dive into and elected officials, because they do sit on in on these meetings. I asked Brookhaven Town who's responsible for choosing a location of high school, okay? And they -- the people I asked for and the information for which they had to run around and scurry and find the answer, they came up with, well, it was the school board. I called the state, and they said, it was the referendum votes.

CHAIRMAN CARACAPPA:

I'd ask you to stay focused on the County issue that you are here for.

MR. BRIDA:

Okay. The traffic. Well, the alternatives to alleviate the traffic -- I will be done in a minute -- is to get the traffic off the road the best way we can. I don't know if enough is being done about that. I look at the railroad station, and it's getting more and more crowded. There's hundreds and hundreds of parking stalls there now, and we need more, they're all filled up. So what are we going to do? So one of the ideas that we had several years ago and still keeps popping up is to put a monorail system wherever it's needed. Perhaps Heartland Community would be needed in Brentwood more than any place

else in Lake Ronkonkoma. It still could be used in Lake Ronkonkoma, it could be used out east to evacuate people on the East End.

LEG. FOLEY:

Mr. Chairman, could I ask Mr. Brida --

CHAIRMAN CARACAPPA:

Sure.

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LEG. FOLEY:

Back on the issue at hand with County Road 16 and Maple Crest, have you spoken to the Department of Public Works about your suggestion of reconnecting Maple Crest to the Expressway?

MR. BRIDA:

It's a Brookhaven Town Road.

LEG. FOLEY:

I understand that, but have you spoken to the County at all about it?

MR. BRIDA:

The County? No, I haven't?

LEG. FOLEY:

And what was the response from the Town?

MR. BRIDA:

The Town said I should circulate a petition and ask the people that live there whether this public road should be reopened.

LEG. FOLEY:

And have you --

MR. BRIDA:

This is not a private community.

LEG. FOLEY:

I know that. Have you circulated the petition?

MR. BRIDA:

No, I guess I could start doing that tomorrow. But I told the town, I said, look, you are the ones that are getting paid, why don't you circulate the petition?

LEG. FOLEY:

I understand that. But many times they don't do things they're supposed to do. But let me ask you this. If you circulate that petition, there used to be as a civic -- as you mentioned earlier --

there's really only one road in and out of there, it's a cul-de-sac. It wouldn't take that much to go around that particular street to get the sense of where they stand on it. Have you also submitted in the past what the connection would look like or how to do -- you spoke about it in the past, but have you put together a rough draft as to what it would look like?

MR. BRIDA:

Well, the road is there already. It's just about taking the barriers down.

LEG. FOLEY:

That's fine. You have answered my question. Thank you, Mr. Chairman.

MR. BRIDA:

It has to be resurfaced.

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CHAIRMAN CARACAPPA:

I have seen the pictures that you have provided. Just another point of information for Legislator Foley, I checked with the town yesterday after Mr. Brida had spoken with them, and it was originally closed as a result of complaints from then Maple Crest Civic Association. So they're the ones that petitioned the town to originally close it years ago, I guess -- that's to myself, when I became a Legislator. So that's how it got closed. Will it be reopened? We will have to wait to see what the town does.

LEG. FOLEY:

Thank you.

MR. BRIDA:

I will talk to the people. My niece lives there, okay? So I can talk to those people there. Anyway, about the monorail, look, I am one person, and I have no authority to do a bond issue for \$300 million, you know, something like that. And you know, it depends on how comprehensive you want a monorail to run. But I know in Seattle, Washington, they're doing just that. And in the suburbs of Seattle, Washington, they're doing that. And they're also doing that Las Vegas, they're doing that in Queens, New York. Okay? We have a monorail that's going to open up from Howard Beach to Jamaica, Queens to Kennedy Airport. It's just a matter of time that it's going to -- we're going to be like the low man on totem pole unless we get more involved and more educated on this.

I don't suggest that this County goes and starts paying money for a monorail unless it's the most educated county on monorails there is. And you can't be educated just from my knowledge of it, because I

don't work for monorail company. I know more about it today -- I know a thousand percent more today than I did about three months ago, but it's still not enough. If you want to look into it, you are going to have to take the experts and have them sit down and discuss it with you. You know, I would be happy to volunteer for any committee that wants to do it, but you know, I would have to go to Sinking Springs, Pennsylvania to talk to Mr. Weaver who does the pneumatic brakes. I would have to see the Las Vegas monorails, which I haven't seen yet. I'm going to go next year probably. And I -- I would have to see the Seattle monorails and see how that's coming along and the one in Queens, of course if it ever gets going. It's supposed to get going this year. You know, there has to be more alternatives than driving cars on roads. And the roads are more expensive to make and resurface than a monorail system would be.

CHAIRMAN CARACAPPA:
Mr. Brida?

MR. BRIDA:
And that is according to Southwest Airlines who did an article in a magazine, in the May issue of Spirit Magazine.

CHAIRMAN CARACAPPA:
I appreciate it. The Chief Engineer's Office for the Department of Public Works is sitting right behind you, and they're hearing every word you're saying. You've been speaking a little over ten minutes,

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and we do have a series of others cards to get to. I do appreciate your comments on the record. Like I said, they're right behind you, they heard you. And feel free the talk to the gentlemen behind you. I'm sure they would be happy to talk to you about it.

LEG. FOLEY:
Thank you.

MR. BRIDA:
I'm off with my petitions.

CHAIRMAN CARACAPPA:
Okay. Good look. Next speaker is Ned Hurley.

MR. HURLEY:
As you can see, I'm not used to this. I just changed -- amended my petition and resolution. I just wondered if you all had questions or something. I just figured as a courtesy, I would come and say that if you have questions, I would love to let you know -- try to fill you in, if you don't understand what I'm doing.

CHAIRMAN CARACAPPA:

Just for the record, we just approved your license two general meetings ago. And you are coming back because you are adding an additional vessel, correct?

MR. HURLEY:

An additional vessel and also changing the schedule, because the schedule that I had put in is not adequate to serve -- I was sort of under the idea that I could expand the schedule. But after talking to the Counsel of the Legislature, they said, no, you have to really be more specific. So now I have an absolutely detailed schedule that is workable, makes sense and is fixed so that I can do it for five years with no problems.

CHAIRMAN CARACAPPA:

Okay. Any other questions?

LEG. FOLEY:

Yes.

CHAIRMAN CARACAPPA:

Brian?

LEG. FOLEY:

Ned, why don't you go through the changes, the additions.

MR. HURLEY:

Okay. I actually see this thing here, and this is -- I sort of wrote it on -- I did it on a different thing, so I'm just going to read you my spread sheet and give you the highlights, which I think is what everyone is looking for. The ideas on this -- the major season, the summer season, is sort of Friday to Sunday, when you have your biggest groups of people that come. I have a boat that goes from the Maple Avenue Marina to Ocean Bay Park and to Robins Rest in a circular loop. It goes from nine in the morning to 10:00 P.M. at night, leaving Maple

Avenue. The last ferry out of Ocean Bay Park leaves at 9:20 on Friday, Saturday and Sunday. And the latest ferry that leaves out of Robins Rest is 10:45. During the week, the latest ferry is nine o'clock and 9:30 out of Ocean Bay Park and 9:45 out of Robins Rest.

I don't run the service with the earlier start, nor do I run the service with the latest ending. I'm sort of in the same window with my competition actually. They run -- I think they start at seven in the morning, they go to one maybe in the morning. They run a few more hours in the day than I do. The schedule -- I run in June -- I start

in May, I think the first week in May I start or the second week in May -- second week of May until Memorial Day, I run a schedule where I have three boats run on Friday. Saturday and Sunday, I have four -- three boats running. Sort of when people go to the community it goes right to where they're going. As an example, people if they go out to their summer houses will leave in the afternoon on Friday. And they'll take the -- we have 4:30 boat that leaves Bay Shore and a 7:30 boat that leaves Bay Shore. On Saturday and Sunday, we have a boat, this is in the early sort of May season, a 10:00 A.M. boat, a 12:30 boat and five o'clock boat. So if people want to go to their house and open it up and leave that afternoon, they can do round trip kind of thing, and the boat runs where they're going to be riding it. It's providing a service that I think -- you know, it's hard. At this period, you don't make money on your routes, you're just sort of trying to provide a service. And then --

LEG. FOLEY:

How many -- how many -- cut to the chase.

MR. HURLEY:

Whatever you need.

LEG. FOLEY:

You had a certain number that we had initially approved. What are the addition -- what are the additional? Is it one later boat, it is a 10:20 boat on Saturday that you didn't have before?

MR. HURLEY:

No. During -- the difference between the service that I had, I think I had three boats in the middle of season on a Friday, Saturday and Sunday. Now I have one, two, three, four, five, six, seven, eight, nine, ten -- 10 boats. That's why I needed a bigger boat. The boat that I have is -- I was under the impression that I could expand, as I said, the service, but -- and I thought that was a minimum that I would provide, which I guess I was wrong.

LEG. FOLEY:

Okay. Thank you.

CHAIRMAN CARACAPPA:

Any further questions on this matter? Okay. Thank you, Mr. Hurley. Next speaker is Peter Caradonna. Go ahead, sir.

MR. CARADONNA:

Good afternoon. My name is Peter Caradonna, I am currently the Chair of US Green Building Council, Long Island Chapter. We have been

recognized by the National Office of US Green Building Council only a month ago. And to give you a brief history, the US Green Building Council has been only in existence for about ten years. And it has been brought to my attention that the County is considering adopting lead as part of its building program for the future, for buildings of a millions of dollars and renovations of a millions dollars or more.

I'm here to talk to you about that program and to tell you that the grounds you're treading are not new waters. The state and local government tool kit, which I have presented to you today, if you open up the first or second page of it, you will see a list of upwards of 120 state, local and county governments who are members of USGBC. Clearly, this is something that they've all realized is an important measure in order to change the way we do business and build buildings going into the 21st Century. This measure has been adopted by the federal government, by the Department of Defense, Department of energy, the GSA, the Department of the Interior. This document has been adopted by states, like the state of Pennsylvania, under the leadership of Governor Tom Ridge, and it's also been accepted and adopted by the State of New York under Governor Pataki's Executive Order 111. In addition, we see more green legislation coming out, and Pataki is definitely a 100% behind this.

LEG. CRECCA:

Just so that we're clear, what document are you talking about that's been adopted?

MR. CARADONNA:

Executive Order 111 has come out of Governor Pataki's Office. It's called Clean and Green New York. That document says that all projects 5,000 square feet or more in the state facility will be -- will follow the Lead Green Building rating system. The picture of the building on the front cover, one is of an office building in Pennsylvania. The other one is the DEC building up in Albany, which achieved a Lead Silver rating. Now, people are going to come to you and discuss dollars and cents, and really that's what USGBC is about. It's about discussing dollars and cents. I'm not here to talk about how much I want to save a tree. This document, this matrix, which explains an office building of about 90,000 square feet and uses as its basis a \$10 million building cost. Now, if you follow the matrix across, what it does is it establishes how much energy that building uses, how much pollution, CO2, SoxNox and CO2 goes into the atmosphere, the external cost to society, its schedule and then construction costs, furniture costs, design costs, and then a net present value of the building as you work it out over time. And that net present value takes into account the fact that you are going to spent about 5% of costs on capital, one and a half percent inflation rate and a 5% increase in energy.

And as you can see, the Base A 1 office building, which we have all

seen here on Long Island, at \$10 million, as you cost that out over 30, 60, 100 years, that hundred year cost to that building comes very close to \$350 million. And that's based at the \$10 million cost. Now, if I jump up to Lead Silver rating on this -- on this chart, I'm going to spend additional \$1.3 million for this project, and this is an actual project for Packard Foundation. For that, my 100 year cost

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for this building now drops to 166 million. So clearly, what we're doing here is if we're going to sit and start to discuss dollars and cents on this project or any projects that you do in the future, and life cycle assessment is not taken into it, and life cycle costing is not taken into that, the cost of energy, the cost of material, all the costs involved in building a building and ultimately the cost of transferring it to the landfill, this is clearly the way to go. This is about a building that's going to last, that's healthy for the occupants, that's healthy for the environment, that's healthy for everybody who's going to be involved with the project.

CHAIRMAN CARACAPPA:

Any questions? Legislator Fisher.

LEG. VILORIA-FISHER:

Mr. Chair, I just wanted to clarify for the members of the committee that Mr. Caradonna has come to support Introductory Resolution Number 1543.

CHAIRMAN CARACAPPA:

Uh-huh.

LEG. VILORIA-FISHER:

And if you turn to that resolution, the backup will show you what the lead guidelines and what the lead guideline system is to which he's referring. I didn't know if you had made that reference, Peter, to the resolution. That way people know how to reference.

MR. CARADONNA:

No. Okay. I'm very new to this, as being Chairman of not for profit organization. But this is something I have been involved with now for six years. I started with New York city Department of Design and Constructions, high performance building guidelines. I got involved with USGBC three years ago, and I'm very much involved obviously at this stage in the game. I do have some small criticisms of the actual resolution; the fact that you are going to start at the certified level. If you see, and I have been involved in the process, we are currently doing our third and fourth projects, both of them are going to be here in Suffolk County now; one for the Setauket Fire District and one for Westhampton Beach Village. We have discovered that really

you should start at base certification of Lead Silver. It doesn't cost anything in terms of real additional dollars. As we learn more and more about how to do this process, the net cost of this is almost net zero.

LEG. VILORIA-FISHER:
Okay. Mr. Chair?

CHAIRMAN CARACAPPA:
Go ahead.

LEG. VILORIA-FISHER:
Peter, as you know, I met with the department -- with you and the Department of Public Works in January, on January 9th was when we first discussed this with them. And they were concerned about being able to meet all of the goals and the objectives of the lead program

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and the point system. And as a way have being able to work within the system, that's why the resolution only requires a certification level, because we wanted to be certain that there would be a comfort level with the Department of Public Works. As it is, I think they're finding the certified level too high and too stringent. So it must be at a good middle ground if you are finding it too lenient and they're finding it too stringent.

MR. CARADONNA:
Well, too stringent in terms of what? Finding -- sitting there and going actually --

LEG. VILORIA-FISHER:
Well, they'll be speaking later. They'll be speaking later, and so I am sure they'll address how -- you know, their response to it. I don't want to speak for them.

MR. CARADONNA:
Okay.

CHAIRMAN CARACAPPA:
Any other questions?

LEG. GULDI:
Yeah I --

CHAIRMAN CARACAPPA:
Legislator Guldi.

LEG. GULDI:

You have given this good presentation of what the goals and objectives of Leads are, but can you give us a succinct synopsis of what the principles apply to achieve the savings that you are talking about are?

MR. CARADONNA:

What you do is -- what Lead really is and what it summarizes is what's called intergraded building design. Rather than in the traditional manner of how you design buildings, and I'm also an architect, so I will speak from a professional point of view, a client comes to me, I design the building, I make a plan, I design the exterior, and normally the client signs off, says, yeah, that's good, I can function, my business will work in that. Okay. Now I hand it to the mechanical engineer, and the mechanical engineer then turns around and says, okay, well, I'll make the person comfortable in that. As then hands it to the electrical engineer. But as you can see, going down in that linear path, you're not talking to one another and there is no intergradation of systems. We're sitting in a room right now where we have no natural day lighting on a perfectly beautiful sunny day. Okay. So in essence, what I do now and process we use is we bring the design team together from the very beginning. We sit down and start to look at the building piece by piece and see how we can make trade offs. My primary job now in a project seems to be to design a very good building envelope. If I was to design a good R value in my wall, and I am not talking about something where we do brick and block and come up with an R 10, we're talking are R 20 and R 30 in terms of

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resistance of your wall. And we put a good R value in our roof structure. Well, low and behold, we find out each that even though I spent extra money in my building skin, I am now downsizing my HVAC systems. If I provide day lighting, I am taking lighting fixtures out of the building. So by figuring out how to do this, building intergradation, how to get these trade offs, we're finding out that the building costs are ultimately being exactly the same as designing a bad building. And in the end, you are getting a building that has an energy efficiency of 35% energy efficient from a baseline building. And the fact of the matter is I can prove it now, unlike past generations of architects, because I have a computer on my desk that models that energy for me. I can also model doing renewables on a building, and I can give you exactly when, based on building size, cost of electricity and other factors involved in the building, exactly what your buy back periods are going to be. And here in Suffolk County where we're paying -- well, our average is 14 cents a kilowatt-hour, it's a very different number than eight out someplace else in the country where they're using nuclear and hydro to run their electrical systems.

LEG. GULDI:

So if I understand you, essentially all you are talking about is using a coordinated design to achieve greater efficiencies both short term and long term?

MR. CARADONNA:

That's absolutely correct.

LEG. GULDI:

It's not a materials approach, it's not --

MR. CARADONNA:

You can take Lead to a materials approach, for instance, there is a point for rapidly renewable materials. One issue that we look at, for instance, is that it takes 60 years to grow an oak tree. Well, I can also give you the same durability in a flooring material made out of bamboo, which grows in about three years. And that tree is best served in the forest to sink carbon dioxide and to give off oxygen. I can go to a farm where we can grow bamboo and grasses, and we will cut down a third every year, and that's sustainable way of making flooring. Recycling materials, that's a sustainable way of making other materials. When we make, for instance, cabinetry, normally we make it out of wood, the baseboard. You know, you can make it out of straw and wheat products that are equally as durable. What we're trying to do is create a new market for new material so that we can move into a better future for children. That's what this is really all about.

LEG. GULDI:

It's not only design approach, but it's also a materials approach. I'm just trying to understand how it's --

MR. CARADONNA:

There is --

LEG. GULDI:

What I'm trying to understand is how it differs from the fundamental precepts of standard architectural design, which is supposed to be looking at this approach anyway.

MR. CARADONNA:

Exactly. You would think that it would, but it's based on five simple principles. One is sustainable site. So that way we're looking at the local ecosystem, for instance, if you pave an entire site, obviously, that creates heat island effect, which effects your neighbors. Day lighting or night lighting of buildings, how we light the night sky up, waste and storm water management. There's water

efficiency, which up until this particular spring, last year, water efficiency became a tremendous issue here in Suffolk County. And why should we wait until we start to run out of water before we start doing something? Energy and atmosphere deal clearly with the connection between energy and how much CO2 and how much we pollute the atmosphere and treat it as our toilet. Fourth issue is materials and resources, which I think I covered for you. And the fifth issue is indoor air quality; how do we make a building more healthy? In this building, we are all sealed indoors. Is this -- are we bringing in the proper amount of oxygen? Is there CO2 sensors in this building? Are we really doing good by mixing air, which we're all exhaling carbon dioxide right now. But in the system you have set up right here, this is a mixing system, where as we would propose a displacement system where oxygen is brought through the occupant zone and then who cares what the temperature is up at the ceiling here. We don't exist up there, we exist at six feet off the floor. And that's the area we need to condition. It's a way of approaching building design, and that's really all it is.

LEG. GULDI:
Okay. Thank you.

LEG. FOLEY:
What happens if you are seven feet tall?

MR. CARADONNA:
I will make it be seven feet tall.

LEG. VILORIA-FISHER:
And, Peter, there's also energy efficient appliances that are covered.

MR. CARADONNA:
That's covered under energy and atmosphere, energy star points you get through the program. So it's a very comprehensive issue. You are also going to see -- right in front of you, I think you have Lead 2.0. Lead is in 2.1, 2.2 is coming out in January. In the fall, you are going to see Lead for existing building, Lead for commercial interiors, Lead core and shell. So the USGBC is coming out with a lot of new products to put this issue. And really what Lead does is what it's advertized to do, which it drives the marketplace. That's what we really are seeking for it to do.

CHAIRMAN CARACAPPA:
We appreciate your testimony. I don't want to debate the bill now. I

have read the resolution, I have read the Lead backup that came with it, which is the 2.1, and it's quite stringent. And what my fear is

that we go with this, and we are locked into every standard that's in the 2.1.

MR. CARADONNA:

I would disagree with that.

CHAIRMAN CARACAPPA:

Well, as I read it, it seems like it's -- it's a rating system and it's a point system. And it's top to bottom as it relates to the resolution itself and everything included in the resolution that we would be forced to do, comparing that to what the Lead 2.1 says that we need to do if we adopted this. They're almost the same. So if we were to adopt this resolution as is, we would be locked into the entire Lead Program. On top of that, in reading the introduction, the disclaimer and notices are quite scary as well, because this is all new technology for the most part.

MR. CARADONNA:

Absolutely not.

CHAIRMAN CARACAPPA:

But people who are signing on with it, it would be new. And it would be under the Department of Public Works for the County. If we found that there were damage associated with doing a building where we didn't get performance out of it for one reason or another, and we tried to sue, we can't for any damages whatsoever if we opt into this Lead Program. So I'm not saying it's a bad thing. Everything you said is absolutely true, and I'm sure the feelings of the committee members, but there is still a lot to digest here and to go through. And it's my fear, again, we opt into the resolution, we opt into the entire program which may be a little bit too much too soon. So anyway, are there any questions for the speaker.

LEG. CRECCA:

Mine are for Public Works.

CHAIRMAN CARACAPPA:

We'll wait for Public Works. Okay. Thank you so much.

LEG. VILORIA-FISHER:

Thank you, Peter.

CHAIRMAN CARACAPPA:

Next speaker, Julie Ben-Susan. Is Mr. Barr with you as well? Why don't you come up as well. What's this for?

MS. BEN-SUSAN:

It's part of our hull of one of our vessels. It's a show and tell. I'm Julie Ben-Susan, I'm the general manager of the North Ferry Company. And I have been here before. I spoke briefly and with great

pride to the full Legislature at our public hearing last week. Some of you were there, and so I won't repeat myself. The purpose of this presentation is to be slightly more specific. I would like to provide some recent history, present the state of our old fleet, which is

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before you, elude to the tremendous value of our new boat, then be available to answer any questions that you might have. I have about two-and-a-half minutes here.

North Ferry came before you in 2001 requesting a two part rate increase; 8% for operating and 10% for the new boat. Despite considerable discussion about the need for the new boat in order to provide better, more reliable service, in the end we were granted an 8% operating increase, while the second try for the new boat was rejected. Recognizing that we would continue to slide toward the system breakdown without the big new boat, we redesigned the slips and vessels and took a deep breath and went ahead and did the project anyway. We invested 700,000 of our own earnings reserve and borrowed 2.3 million from the Bridgehampton National Bank. We chose a different builder, one in Florida as opposed to New England, a non union shop and suffered with the numerous trips to the Florida Panhandle as well as the administrative burden that goes with building a vessel that far away.

Fortunately, they are fine people who run a great yard, and we got a wonderful vessel. But as a first timer, I assure you it would have been easier to be in New England. This year, we endured the fourth deep freeze in decades, translate, no traffic, followed by a rainy season the equal of a rain forest in the Amazon, translate, no traffic. Our volume through May was off 4.3% versus last year, with June, usually one of our peek months, running 13% below last year. We currently find ourselves down 7% by midyear unless something dramatically improves very quickly.

Worse still is the toll that the ice took on our vessels and everyone else's as well. In March, one of our boats started taking water, not to worry, they have multiple water tight compartments, but she was sidelined immediately. We reported to the Coast Guard, and some of the hull plate, that's what's before you, was replaced. In May, in the course of a routine Coast Guard inspection, another of our vessels, which we thought was experiencing some seepage through the rudder strut proved to have an above line -- above water line series of wholes as well. She was sidelined by the Coast Guard, but then we couldn't haul her, because the shipyard had a wooden boat on the way with hull damage of her own. Two weeks went by, she was finally hauled and a piece of plate, not unlike what is before you, was removed. We hoped to have back by the end of next week. This means

we have been without a backup boat for almost four weeks.

Last Wednesday, a tiny spring in the lower section of the hydraulic steering mechanism of our big new boat failed. This shouldn't have happened, and there will be much follow-up as a much larger and more significant part was rendered useless. We lost steering, had to tie up the boat, sought the diagnosis, ordered the part from Vancouver, which was then waylaid by US Customs for a day. The long and short of this is that we had three small boats running instead of one large and three small boats. In capacity terms, we dropped from five to three. The lines stretched for two blocks down Wiggins Street. And this two-and-a-half vision -- the line was horrific. And this was sort of two-and-a-half day vision of what it would have looked like everyday without the new boat.

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To make matters worse, it was the Thursday before our 24th Annual 10K Race, which is for the Suffolk County Special Olympics. Worse still for the asphalt, was paving the route the next day. So we had a row rotation of asphalt trucks, and we could only take one at a time on the small boats as well as extra delivery trucks; beer, soda, fencing, porta-potties, etcetera for the race. It wasn't pretty. The cars did okay, but the trucks had to wait for what seemed like forever. I walked the line for three mornings. The daily commuters recognized immediately that something unusual had happened and told me that they hadn't had a line like this since we got the new boat. Many of them asked me if we yet started the process for getting another new boat yet. The message for you is that the new boat is doing everything that we hoped that she would and that the rest of the fleet is aging and becoming increasingly undependable. Without the new boat, what we experienced last week is what it would be like all the time.

When we came before you in 2001, we acknowledged the local controversy over whether a large boat was a good thing or a bad thing for the Island. We said then that more important than that was reality that the existing fleet was starting to fail and new boats not only require seasonal maintenance, but were at risk to breakdown unexpectedly. That situation is only more true today. So we come before you seeking renewal of our franchise for as long as you find acceptable. Please take into account that we have considerable debt outstanding and that we are going to need a second new boat, which will also need to be financed. Our bankers and insurers as well as the ridership all depend on this license being in place. Without this assurance, no financial industry will make a loan for a second new boat, and we will all become victims of the inexorable breakdown of our ancient boats. Thank you very much. Questions welcome.

CHAIRMAN CARACAPPA:

Questions? Legislator Guldi.

LEG. GULDI:

Just point of clarification, because I don't think I have ever heard anyone from the Island say that there was too little traffic before. Most of the time I hear the human cry that there's too much traffic.

MS. BEN-SUSAN:

It comes in pulses is the problem. We have a large commuter -- commuter contingent, who all come down the road at the same time. And we get pulses from Cross Sound. And so the trouble is that people only see the line they were in, and people tend to remember the line that they sat in and forget about the days that they just drove on the boat. Statistically, we're down.

MR. BARR:

The problem with that, Legislator, is that we have high fixed costs. With the new boat and slips, it costs over \$3 million. And with the only variability being crew, and you can't take crew on and off. Therefore, what loss of volume translates into is, you know, financial distress for that period.

CHAIRMAN CARACAPPA:

Susan, you say you only currently have how many boats running, three?

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MS. BEN-SUSAN:

No. The boat came back on Friday afternoon at three o'clock. So we have -- now we have one boat on the way, three small boats and one large boat.

CHAIRMAN CARACAPPA:

So you will have five altogether?

MS. BEN-SUSAN:

We have five vessels, four on the line at the moment.

MR. BARR:

But it's a five boat equivalent with it, because the {Mashamic} hold 25 plus and includes multiple trucks, whereas the old boats hold 12 at best and can take only one truck.

CHAIRMAN CARACAPPA:

Because your license does say five vessels, correct?

MS. BEN-SUSAN:

That's correct.

CHAIRMAN CARACAPPA:

Just making sure. I did receive a complaint, I'm sure you are well aware of it, being the operator, and I just wanted to put it in the record. A Ms. Moore contacted the Legislature, and it was forwarded it to me, she claims that only three boats are running, but you have made that clear on the record as to why that was happening.

MS. BEN-SUSAN:

Uh-huh.

CHAIRMAN CARACAPPA:

North Ferry -- it goes on to say North Ferry has recently purchased a larger ferry with the capacity of 28 vehicles. When the bid ferry is running, they discontinue running one or two of the smaller ferries, which in turn makes service even slower as they wait for the big ferry to fill up to three-quarters capacity. She went on also to say that there's been long lines and residents from the Island have been very upset with the ferry service. Is there any truth to the statement that when your big boat is up and running your smaller boats are down?

MS. BEN-SUSAN:

It's not that they're down. We don't start all the boats at the same time. We start -- we start in the morning with the large boat, then we add boats throughout the day. We also -- we also run more boats on certain days. As Ned Hurley said earlier, there are more on the weekends, there's more on Thursday mornings when there's truck day. So we run the boats when we believe the traffic is going to be. We sometimes are taken by surprise. Also, I now know why PHDs write books about queuing theory, because having one large and a group of small boats creates a different rotation. You know, it seems simple to the observer that boats go back and forth, but it's actually more complicated than that with slips and -- slips and comings and goings. And -- so it is true that when -- what the populous is used to at our core is three vessels circulating in a ten minute -- in a ten minute

circle, that is a boat every ten minutes. When we have the large boat and a small boat, that's two vessels, but the same equivalent traffic being moved, it's every 15 minutes, one from each side. So yes, there are -- you know, there are five minute differences, but it's the same three boat, 36 car capacity, every half hour.

CHAIRMAN CARACAPPA:

Okay. I just wanted to read that in the record and give you a chance to rebut it. Keep in mind, colleagues, that this is 15 year extension.

LEG. CRECCA:

Why so long?

LEG. FOLEY:
It was changed.

MR. SABATINO:
The corrected copy was filed late last night going to five years.

CHAIRMAN CARACAPPA:
So it is five years.

MR. SABATINO:
It was 15 though, prior to 7:30 last night.

CHAIRMAN CARACAPPA:
That was changed last night, which makes it eligible for Tuesday.

MR. SABATINO:
Yeah, it beat the midnight deadline.

CHAIRMAN CARACAPPA:
Any other questions?

MS. BEN-SUSAN:
Thank you very much.

LEG. FOLEY:
Thank you. We're out in Riverhead next Tuesday, correct?

CHAIRMAN CARACAPPA:
I believe so. It was just stated by Legislator Crecca that that was a very professional presentation. And Ms. Susan has been here quite a bit in the past, I guess, she's used to it. You did a very good job, we appreciate it.

MR. BARR:
This is a small piece we actually had cut out of about a four foot square feet piece of it in order to replace the hull.

LEG. CRECCA:
We appreciate that you didn't bring the whole four foot piece.

LEG. FOLEY:
Send it out to Riverhead.

MS. BEN-SUSAN:
Thank you.

CHAIRMAN CARACAPPA:

We have no more cards. Anyone from the public who would like to address the committee at this time? I'd ask Commissioner Bartha to come to the table. We will go to the agenda. Commissioner, what we will do is just go through the agenda, and we will discuss agenda items as we reach them.

COMMISSIONER BARTHA:

Fine. Fine. Thank you.

CHAIRMAN CARACAPPA:

Let's go to tabled resolutions.

TABLED RESOLUTIONS

1207-03. Authorizing of alteration of rates for Sayville Ferry Service, Inc. For Cross Bay Service between Sayville, New York and the Fire Island Communities of Fire Island Pines, Cherry Grove and Water Island. (PRESIDING OFFICER)

CHAIRMAN CARACAPPA:

To date, I still have not seen a report from Budget Review. John.

MR. ORTIZ:

We've requested some information from them that we're waiting on right now.

CHAIRMAN CARACAPPA:

Motion to table by myself, seconded by Legislator Foley. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1293-03. Approving extension of license for North Ferry Co., Inc. (PRESIDING OFFICER)

LEG. FOLEY:

Motion.

LEG. GULDI:

Second.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, seconded by Legislator Guldi. All in favor? Opposed? Abstentions? It's APPROVED (VOTE: 5-0-0-0)

1296-03. A local law to establish policy for connection by premises outside Southwest Sewer District No. 3 (POSTAL)

CHAIRMAN CARACAPPA:

Question to Counsel. Was there a corrected copy filed on this?

MR. SABATINO:

Not since the committee last met, Mr. Chairman.

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LEG. FOLEY:

Motion to table.

CHAIRMAN CARACAPPA:

Motion to table by Legislator Foley, second by Legislator Crecca. All in favor? Opposed? Abstentions? TABLED (VOTE: 5-0-0-0)

Just so the committee knows, I did go to the Presiding Officer with the concerns, and I had asked for those changes. Oh, not really changes, but a more descriptive analysis as to the elements within the bill.

1320-03. Authorizing the connection and discharge to the Suffolk County Sewer District No. 3 - Southwest by 50 republic Road - HU 1390. (COUNTY EXEC)

CHAIRMAN CARACAPPA:

Keep in mind members of the committee you had asked for information that's been provided to you. If this is not suitable, just let us know. On the motion, Legislator Guldi.

LEG. GULDI:

I hadn't been advised by my office that I received any information on this. I haven't had an opportunity to review it.

CHAIRMAN CARACAPPA:

It should be before you.

LEG. LINDSAY:

Right here. It's a list of five -- four different projects.

LEG. GULDI:

Actually just because they knew it would be trouble, they didn't give me one of those. Can I have a copy, please?

LEG. CRECCA:

Charlie, it didn't work. He figured it out anyway.

COMMISSIONER BARTHA:

Something different next time.

LEG. FOLEY:

While Legislator Guldi is looking at the paperwork, the paperwork does

describe as some of the owners, the way the law reads, and I stand ready to be corrected by Counsel, but the way the law reads is that the actual financial disclosure statement that has to be filled out by the applicant must be appended to the resolution. And while -- this one page document, if you want to call it that, gives us the summary version of that, it is not the official financial disclosure statement, is that not correct, Counsel?

MR. SABATINO:

That's correct. This appears to be a summary sheet as opposed to the actual --

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LEG. FOLEY:

Right. And the law explicitly states -- as the sponsor of the law -- the law specifically states that the financial disclosure statement has to be -- as filled out by the applicant -- has to be appended to the resolution. It still hasn't been done.

CHAIRMAN CARACAPPA:

So are you making a motion then?

LEG. FOLEY:

I don't know how time sensitive these are. We have Mr. Right here as well. So I wouldn't even want to make a motion to discharge out of committee, because we have tabled it for two cycles -- at least one cycle, and you know, I think it's very important that these financial disclosure statements as -- as they've been filled out by the applicant should be made available to the Legislators. As helpful as this one page is, it's not in compliance with the law. Thank you.

LEG. LINDSAY:

Could I just --

CHAIRMAN CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. The one page is additional projects that have been hooked up in the past, is that it? No. Or are -- these are all before us now?

COMMISSIONER BARTHA:

It all relates to the ones that are before you now. I'm someone chagrined here that I have to look at this -- at the law. The application itself is not truly a disclosure statement that comes with the sewer agency.

LEG. GULDI:

Right.

COMMISSIONER BARTHA:

That's what we have typically attached, and that's what we should have attached. This answer presented the information a little more concisely. But to answer your question about time sensitive, to my knowledge, none of these are time sensitive.

LEG. GULDI:

Okay.

CHAIRMAN CARACAPPA:

What's your pleasure, Legislator Foley?

LEG. FOLEY:

Will we then be receiving the financial disclosure statements?

COMMISSIONER BARTHA:

You'll certainly be receiving the applications. If there is a financial disclosure statement --

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LEG. FOLEY:

Its part of the application. It's the same as receiving the sewer agency. I mean, being a member of the sewer agency, we have them at those meetings, and they're very helpful, but they are also supposed to come over to here.

COMMISSIONER BARTHA:

Okay. You will get it.

LEG. FOLEY:

Okay. Thank you. Motion to table.

LEG. GULDI:

Second.

CHAIRMAN CARACAPPA:

Motion to table by Legislator Foley, seconded by Legislator Guldi. On the motion? Anybody? All in favor? Opposed?

LEG. CRECCA:

Opposed.

CHAIRMAN CARACAPPA:

I will oppose it as well. That's three-two. It's TABLED.
(VOTE: 3-2-0-0) (Opposed; Leg. Crecca and Caracappa)

1321-03. Authorizing the connection and discharge to the Suffolk County Sewer District No. 3 - Southwest by 115 Broadhollow Rd. Plat - HU 1390. (COUNTY EXEC)

LEG. GULDI:
Same problem.

LEG. FOLEY:
Motion to table.

LEG. GULDI:
Second. Same second.

CHAIRMAN CARACAPPA:
I will make a motion to table subject to call.

LEG. LINDSAY:
1321?

LEG. FOLEY:
Second the motion.

CHAIRMAN CARACAPPA:
All in favor?

LEG. LINDSAY:
I'm opposed to that.

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LEG. GULDI:
On the motion, can I get explanation why to table this one subject to call?

CHAIRMAN CARACAPPA:
It's been brought to my attention that -- that there's the possibility of an on-site sewage treatment plant to be built at this location. And the cost is significantly less than to hook it to the sewer system.

LEG. GULDI:
Okay.

LEG. FOLEY:
This is outside the district, correct?

CHAIRMAN CARACAPPA:
Yeah. On top of that, we're not hooking into -- an outside applicant into Southwest, once again, which is another serious problem.

LEG. LINDSAY:

So if it's less to build on site, why are they even applying for this?

CHAIRMAN CARACAPPA:

It's less to build on site in this case, because of the length involved to the main.

LEG. FOLEY:

Maybe the Department has an answer.

COMMISSIONER BARTHA:

Because there's more than one property involved in this plat, the town law requires it to come to the sewer agency. Sewer agency is the agency that is responsible for determining the means of sewage disposal from subdivisions. This is a very small flow, it's 13,000 gallons per day, as the Chairman indicated. And there are alternate ways to handle the flow from this, and it's something that certainly the developer, from what I understand, would prefer. This is not a make or break issue with us.

LEG. LINDSAY:

The developer -- for what, Charlie, to build their own?

COMMISSIONER BARTHA:

Something on-site. Not actually a sewage treatment facility, but a waste disposal system.

LEG. CRECCA:

On-site?

COMMISSIONER BARTHA:

Yeah. They would have to satisfy the Health Department requirements on-site.

LEG. LINDSAY:

So who's forwarding the application then? I'm confused.

COMMISSIONER BARTHA:

We forwarded it, it went to the -- they approached the sewer agency for approval consistent with the law. The sewer agency's policy is to try to get as much sewage into a central sewage treatment plant. So the sewer agency approved this. But we also recognize -- I also recognize the practicality of the developer having to connect 13,000 gallons at a pretty large cost. So I'm not -- as I sat, it's not a make or break issue for us. What I would suggest so that the developer could either proceed with his plans or not proceed that you

might want to consider defeating it.

LEG. GULDI:
Motion to table.

LEG. CRECCA:
Motion to approve for the purpose of defeat.

LEG. GULDI:
On the motion.

CHAIRMAN CARACAPPA:
Legislator Guldi.

LEG. GULDI:
The question -- the sewer agency's preference for the centralized sewer is for quality control and monitoring and maintenance issues, is it not?

COMMISSIONER BARTHA:
That's correct.

LEG. GULDI:
The cost issues from the developer's perspective is what -- the developer on this is? This is a commercial application not a residential?

COMMISSIONER BARTHA:
Yes. Not a residential. It's two office buildings.

LEG. GULDI:
See, the problem -- the problem in terms of voting it up or down is that I don't know what the Health Department is doing -- what's contemplated as an alternative. So I have to kind of do it blind, because I don't -- I don't have assurances that the alternative is going to be adequate, maintainable, etcetera, etcetera, etcetera.

CHAIRMAN CARACAPPA:
Well, the Health Department will always -- they serve on sewer agency, they will always suggest that we hook into an existing sewage treatment plan, regardless of where it is. And that's the case here where they're sending them a long distance to hook into a sewer district. Sometimes it's not feasible. And we have come across those -- those time and time again in the sewer agency where certain developers or property owners are put in a really tough position financially where they've almost had to cancel the whole entire project because they're forced to go a mile or jack under a large road

or something of that nature just in order to please the sewer agency. This is similar, but different in nature where it's very small flow. And everything else I just mentioned is --

LEG. GULDI:

Yeah, I understand that. Could I ask on the motion to table subject to call since there are those of us who want to table these anyway for the disclosure statements, the applications to be completed? Could we table this one more cycle so somebody could provide me the nuts and bolts on the dollar and cents differences on what the proposed alternative is? I would just like to know that before I make a decision on this resolution.

CHAIRMAN CARACAPPA:

I'll withdraw my motion to table subject to call. There is a motion to table by Legislator Guldi.

LEG. FOLEY:

Second.

CHAIRMAN CARACAPPA:

Seconded by Legislator Foley. All in favor? Opposed?

LEG. CRECCA:

Opposed.

LEG. CRECCA:

Opposed, Legislator Crecca and myself. It's approved -- tabled. Tabling is approved. TABLED (VOTE: 3-2-0-0) (Opposed; Legis. Crecca and Caracappa)

1324-03. Authorizing the connection and discharge to the Suffolk County Sewer District No. 3 - Southwest by Belmont Villas. (COUNTY EXEC)

LEG. FOLEY:

Motion to table.

CHAIRMAN CARACAPPA:

Motion to table by Legislator Guldi, seconded by Legislator Foley. All in favor? Opposed? Tabling motion is approved.

LEG. CRECCA:

Opposed.

CHAIRMAN CARACAPPA:

Opposed by Legislator Crecca. TABLED (VOTE: 4-1-0-0) (Opposed; Legis. Crecca)

1325-03. Authorizing the increased flow to a previously approved agreement to connect and discharge to the Suffolk County Sewer District No. 3- Southwest by Comtech - HU 1296. (COUNTY EXEC)

CHAIRMAN CARACAPPA:

There is a motion to table by Legislator Guldi, seconded by Legislator Foley. All in favor? Opposed?

24

LEG. CRECCA:

Opposed.

CHAIRMAN CARACAPPA:

Opposed by Legislator Crecca. Tabling motion is approved.

TABLED (VOTE: 4-1-0-0) (Opposed; Legis. Crecca)

1377-03. Amending the 2003 Capital Budget and Program and appropriating funds in connection with the removal of toxic and hazardous building materials and components at various County facilities. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, second by myself.

LEG. CRECCA:

Why was this previously tabled, if I could ask?

MR. SABATINO:

There was a request made by the committee for a list of the projects.

CHAIRMAN CARACAPPA:

That was made available. All in favor? Opposed?

LEG. FOLEY:

Commissioner, anything you would like to add?

COMMISSIONER BARTHA:

The primary -- the bulk of these funds will be used to replace a chiller at Cohalan Court Complex, which is extremely energy efficient and --

CHAIRMAN CARACAPPA:

All in favor? Opposed?

LEG. GULDI:

Abstention.

CHAIRMAN CARACAPPA:

One abstention. It's approved (VOTE: 4-0-1-0 Abstention; Legis. Guldi)

1430-03. Amending the 2003 Capital Budget and Program and appropriating funds in connection with renovations to Building 50, Hauppauge. (COUNTY EXEC)

LEG. FOLEY:

This was tabled last time. You looked at the amount of money -- through the Chair, if you look at the amount of money, Commissioner, we were told it's for restrooms, and it seemed to be an awful -- very expensive undertaking. I know we want to take care of County employees and give them the best working conditions.

25

LEG. CRECCA:

It's \$1.25 million for a bathroom.

LEG. FOLEY:

Godek, what are you doing?

LEG. GULDI:

Tedd, did you do this?

MR. GODEK:

No, I did not.

LEG. CRECCA:

Look, we have pictures.

CHAIRMAN CARACAPPA:

We're getting information from the pictures here. Commissioner?

COMMISSIONER BARTHA:

Yes. These bathrooms are in very poor shape, and they're not handicapped accessible. When we had prepared our original cost estimate based -- to request this resolution, we had anticipated enlarging them in order to -- all of them -- in order to make them handicapped accessible. The way it works out, it's one set of bathrooms are -- it's just not feasible to enlarge them enough to make handicapped accessible. So we would -- our intention is to submit a resolution or to revise this resolution to reduce the amount of money to \$160,000 for construction.

LEG. LINDSAY:

From a million-six?

CHAIRMAN CARACAPPA:
\$160,000 from a million-six.

COMMISSIONER BARTHA:
Initially it was 240,000.

CHAIRMAN CARACAPPA:
And that would be -- you're asking that be done now on the floor?

COMMISSIONER BARTHA:
No. I understand it can't be done on the floor. I received the information too late, because this was a result of conversation --

CHAIRMAN CARACAPPA:
So you will be doing a corrected copy on this?

COMMISSIONER BARTHA:
Yes.

CHAIRMAN CARACAPPA:
So we will table it for now, and we will approve it at the next meeting.

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LEG. CRECCA:
Can I ask just a question though? The difference is 1.25 million, that's the total project? The bathrooms are the 264,000; is that correct? I see Tedd bobbing his head yes. Can I take that as an affirmative?

MR. GODEK:
That's affirmative, yes.

LEG. CRECCA:
Thank you. Okay. So I misspoke when I said 1.2 million, that's the total renovation. The bathroom itself is the \$264,000 bathroom.

LEG. GULDI:
When you put in the new resolution, you will tell us how many square feet we're doing and how many units, won't you?

COMMISSIONER BARTHA:
Yes.

LEG. FOLEY:
Just for the record, the gentleman next to the Commissioner could put his name on the record.

MR. DONNELLY:

Good afternoon, I'm Robert Donnelly, Director of Information Services. I'm really here just to support the Commissioner in his request for the funding. As you can see by those pictures, this is really a very basic hygiene issue. These toilets support more than 60 people. We try and set a quality atmosphere over there. Every time they walk into that bathroom, their attitude changes. Please support us on this one. Thank you.

LEG. FOLEY:

What we could end up doing, if everyone works smartly on this, we could have a corrected copy and a CN on Tuesday as opposed to waiting until August.

CHAIRMAN CARACAPPA:

I was going to recommend that, but I didn't want to push it.

COMMISSIONER BARTHA:

I will ask the Exec's Office.

LEG. CRECCA:

I mean, if that helps you guys move along faster to get the work done faster, I don't think there would be anybody that would --

CHAIRMAN CARACAPPA:

Seeing that this is our last meeting before we take our break, which is only a month, we'll leave it up to you, Commissioner.

COMMISSIONER BARTHA:

Can I tell the Executive's Office that the Public Works Committee supports a CN?

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CHAIRMAN CARACAPPA:

Tell them Foley supports it. That's really all you need to know.

CHAIRMAN CARACAPPA:

Okay. Motion to table 1430 in light of new information. All in favor? Opposed? Abstentions? 1430 is APPROVED (VOTE: 5-0-0-0)

INTRODUCTORY RESOLUTIONS

1504-03 - Appropriating funds in connection with improvements to CR 39, North Road, Town of Southampton. (COUNTY EXEC)

LEG. GULDI:

Question.

CHAIRMAN CARACAPPA:
Legislator Guldi.

LEG. GULDI:
Yeah. I know you just did the road show to show alternatives in Southampton on the project. This is not that project yet that we're funding, are we?

COMMISSIONER BARTHA:
Yes, it is. This is the engineering for that project.

LEG. GULDI:
That's the -- this is the two million nine covers just engineering for that project?

COMMISSIONER BARTHA:
That's correct.

LEG. GULDI:
Okay. And what kind of feedback did we get on the road show from the community? Is there a continuing lack of consensus as to what we should do with respect to the road?

COMMISSIONER BARTHA:
I will let Bill Shannon answer that in more detail, but what the project basically consists of is making two lanes in each direction, having a center median, having jug-handled turns at major intersections since we have a median now. In order to facilitate access to the stores, you need some of the jug handles. People who lived in the vicinity of the properties where we would be acquiring property had some objections to it.

LEG. GULDI:
How many -- how many businesses are we going to substantially impact with this?

MR. SHANNON:
Legislator Guldi, we have a 66 foot right of way from the end of Sunrise Highway to County Route 38.

LEG. GULDI:
Yeah. I have had many opportunities to study the great detail as I sat on it.

MR. SHANNON:
Yes. You can get a close look as you are waiting for the light to

turn at Tuchahoe and at Gate. We do have 66 feet. We are proposing to go to a hundred foot right of way, which would require 17 feet -- between 17 and 15 feet on either side as you go east.

LEG. GULDI:

Does that 17 or 15 -- does that buffer require the relocation of many structures?

MR. SHANNON:

At this point I believe there was only one structure that we had involved. Generally, the reaction to the community was positive. We had an open format, we had about 160 people attend. Generally, I believe that the folks feel that it's time to do something out there. There is some debate as the Commissioner eluded to as to whether we should have a raised median or a continuous median. But the need for the second lane to go eastbound is established. And I think the community is comfortable with it. So we were very happy with the turnout and with the support that we're getting.

LEG. GULDI:

Just one final question. In terms of -- has anyone costed out the alternative to do a switch of a lane with lights and controls versus going to -- building the four lanes as a cost analysis? Obviously, it's going to be personnel cost and maintenance.

MR. SHANNON:

We have had -- we have had the movable barrier people come in to discuss the issue with us. We feel that in an area where you don't have limited access, that such a structure is not a viable option and that the operating costs would be way beyond what we want to handle. We think that the -- not only is it just a question now of what the volumes will be so that you can live within the existing roadway if you were able to shift, but we see the volumes growing to the point where you are going to need two lanes in both directions regardless of the time of day. Consequently, moving the barrier back and forth would not be appropriate.

COMMISSIONER BARTHA:

The more we spoke to people about these movable barriers and looked at the operating costs on them we realized you are dealing with the same problems with the cross-overs, so you still have to acquire property to provide for jug handles. A median is much more pleasant appearing, and as Bill said, you address the traffic in both directions all the time and avoid the operating costs.

LEG. GULDI:

I think that Bill is right though, ultimately, the point where the volume is daily continuous in both directions. The only other solution would be to get rid of people. Motion to approve.

LEG. CRECCA:

How much does that cost?

CHAIRMAN CARACAPPA:

Is this federally funded?

COMMISSIONER BARTHA:

No. The study phase, we did have federal funding. This is not a federally funded project.

LEG. GULDI:

Haven't we done federal projects on 39 before?

MR. SHANNON:

As the Commissioner eluded, the first part of the study, the feasibility study, was federally funded.

LEG. GULDI:

So there's federal funding available for this nightmare?

MR. SHANNON:

Not at this time.

LEG. FOLEY:

Well, then a follow-up question, through the Chair, have we requested federal funding? Has an application for grant monies been submitted to the federal government?

MR. SHANNON:

The present configuration of the federal aid program, the funding that's available is maxed out on existing projects that we have federal -- that we've already committed federal aid to.

LEG. FOLEY:

You say it's maxed out. It's maxed out over the next two or three years? It's maxed out --

MR. SHANNON:

2006.

LEG. FOLEY:

Until 2006 it's maxed out, correct?

MR. SHANNON:

That's correct.

COMMISSIONER BARTHA:

Congressmen Bishop is holding some hearing. We will be making a presentation at those hearings.

LEG. FOLEY:

As a member of the Transportation Committee, I know that he would be more than willing to take a look at this -- he is going to be taking a look at this and other Public Works projects as well.

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LEG. GULDI:

Make sure you send someone to the hearings to ask for money.

CHAIRMAN CARACAPPA:

That's a hearing for T-21 money, right?

MR. SHANNON:

Save T is the new one.

CHAIRMAN CARACAPPA:

Okay. Legislator Guldi, it's your district, your option is to approve it.

LEG. GULDI:

Frankly, I don't see a viable alternative. I think the other alternatives are not acceptable.

CHAIRMAN CARACAPPA:

There's a motion to by Legislator Guldi, seconded by Legislator Lindsay. All in favor? Opposed? Abstentions? It's APPROVED (VOTE: 5-0-0-0)

1505-03. Appropriating funds in connection with the rehabilitation of CR 51, Moriches Riverhead Road, Town of Brookhaven and Southampton. (COUNTY EXEC)

LEG. FOLEY:

Motion.

LEG. GULDI:

Second.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, second by Legislator Guldi.

LEG. FOLEY:

Just on the -- just on the motion, Mr. Chairman. I read the length of roadways from Montauk Highway all the way up to the Evans K. Griffing Building, is that --

COMMISSIONER BARTHA:

No. That is actually for about the first three miles of that. This southern most three miles is the section that's in the worst condition.

LEG. FOLEY:

Okay. So what section are we looking at then.

COMMISSIONER BARTHA:

Southern three miles.

LEG. FOLEY:

So from Montauk Highway north three miles?

LEG. GULDI:

From Charlie's house north for three miles; is that right?

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COMMISSIONER BARTHA:

Just about.

LEG. GULDI:

Are we going to be addressing the median issue there that's come up, like, on 104? I mean, this is also a swale median, is it not?

COMMISSIONER BARTHA:

It's not as severe as swale.

MR. SHANNON:

We will be looking at that, Legislator Guldi.

LEG. GULDI:

But it's not in this project?

MR. SHANNON:

But at this point, it is not part of the project. This is strictly a rehabilitation and resurfacing of the pavement.

COMMISSIONER BARTHA:

This section of roadway I think you all became familiar with in the past winters where Public Works back in the late '60s and early '70s tried a different technique in using some recycling, energy efficient wise, some LIPA -- LILCO actually at the time -- and proved not to be a good base for -- for a roadway. What happens in the winter, it heaves all over the place. It does settle down remarkably well in the summer. But we did a pilot section two years ago now where we milled up the full depth of it, mixed the material back in place to use it,

and it stood up very well over the last year and a half.

CHAIRMAN CARACAPPA:

So this is an in-place recycling full depth where you would be using the existing roadway as a new base and then putting in an overlay?

MR. SHANNON:

That's correct. There's multiple different types of sections, but generally that's what we are going to be doing in that section of the road.

CHAIRMAN CARACAPPA:

It's a very very forward thinking, progressive way of reconstructing roadways in my own view, having seen the process. There is a motion and a second, all in favor? Opposed? Abstentions? It's

APPROVED (VOTE: 5-0-0-0)

1508-03. Amending the 2003 Capital Budget and Program and appropriating funds in connection with safety improvements to CR 12, Oak Street/Hoffman Avenue, Town of Babylon. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley. Commissioner.

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MR. SABATINO:

Changes the method of financing from pay-as-you-go to serial bonds.

CHAIRMAN CARACAPPA:

Can you give us just a brief summary as to the work.

COMMISSIONER BARTHA:

Bill.

MR. SHANNON:

Legislator Caracappa, this area was brought to our attention when we did the original feasibility study on the entire stretch of Hoffman Avenue. This is the second part of the program. The first overall traffic improvement has been completed in the area of Lindenhurst. This area is down further to the east near Amityville, it's where Hoffman Avenue passes through Peterkin Park. There are some concerns of the local village regarding traffic safety in that area plus our road water discharges directly into Amityville Creek, the headwaters of Amityville Creek. Unfortunately, the situation was further brought to our attention when a young toddler -- I don't know if you remember

this -- a couple of years ago walked out of their front door and was hit by a car in that area. This is a traffic calming project in the are of the park to enhance safety.

CHAIRMAN CARACAPPA:

Okay. Seconded by Legislator Lindsay. All in favor? Opposed? It's APPROVED (VOTE: 5-0-0-0)

1509-03. Amending the 2003 Capital Budget and Program and appropriating funds in connection with the application and removal of lane markings. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, seconded by myself.

LEG. FOLEY:

Is there a listing?

CHAIRMAN CARACAPPA:

Yes, there is. It's extensive, 17 different locations.

COMMISSIONER BARTHA:

As you know, this is a thorough plastic work at railroad crossings, pedestrian crossings, intersections that are most problematic for us, for both motorists and pedestrian safety.

CHAIRMAN CARACAPPA:

All in favor? Opposed? Abstentions? 1509 is APPROVED (VOTE: 5-0-0-0)

And that's a -- we've changed the method of finance there too, Counsel?

MR. SABATINO:

Yes, Mr. Chairman.

1510-03 - Appropriating funds in connection with dredging of County waters (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, seconded by Legislator Guldi. It's \$50,000, Davis Park, Cocals Harbor, Township of Shelter Island. All in

favor? Opposed? Abstentions. It's APPROVED (VOTE: 5-0-0-0)

1510-03 - Appropriating funds in connection with construction of right turn lanes on CR 3, Wellwood Avenue, Towns of Babylon and Huntington. (COUNTY EXEC)

LEG. FOLEY:
Mr. Chairman.

CHAIRMAN CARACAPPA:
Legislator Foley.

LEG. FOLEY:
Description, please.

MR. SHANNON:
Yes, Legislator Foley. This is a minor intersection improvement at two locations on the avenue, primarily the construction of right turn lanes and take that turning traffic out of the through lane.

LEG. FOLEY:
Motion.

CHAIRMAN CARACAPPA:
Motion by Legislator Foley, second by Legislator Lindsay. All in favor? Opposed? Abstentions? It's APPROVED (VOTE: 5-0-0-0)

1512-03 - Appropriating funds in connection with the rehabilitation of CR 83, Patchogue-Mt. Sinai Road, Town of Brookhaven (COUNTY EXEC)

LEG. FOLEY:
Motion.

CHAIRMAN CARACAPPA:
Motion by Legislator Foley, seconded by myself.

LEG. FOLEY:
On the motion, Mr. Chairman. Just a question. This is a much needed project. The question I would have is in some other areas of this roadway when you've done repavement, the new pavement matches the height of the curb, so how do you intend to address that issue?

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COMMISSIONER BARTHA:
We handle that with milling. We mill down the pavement adjacent to the curb.

MR. SHANNON:

That's correct.

CHAIRMAN CARACAPPA:

There is a motion and a second. All in favor? Opposed? Abstain?

It's APPROVED (VOTE: 5-0-0-0)

1531-03. Approving amended Cross Bay Ferry license for Bay Shore Ferry, Inc. (PRESIDING OFFICER)

LEG. FOLEY:

Motion to table.

CHAIRMAN CARACAPPA:

Motion to table by Legislator Foley, seconded by myself. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1543-03 - Implementing leadership in energy and environment design (LEED) Program for future County construction projects. (VILORIA-FISHER)

CHAIRMAN CARACAPPA:

Is there a motion?

LEG. CRECCA:

Motion to table.

CHAIRMAN CARACAPPA:

Motion to table by Legislator Crecca. I'll second it for the sake of discussion.

LEG. GULDI:

I'll make a motion to approve for discussion purposes. Charlie, tell me be about your whole-hearted support for this program.

COMMISSIONER BARTHA:

Let me start on the positive. I certainly support the principles of the program. And as you were saying during some of the questions you were asking, it is part of good architectural design practice. The department looks very closely at energy conservation measures. And we in conjunction with the Planning Department developed an energy conservation policy for County buildings a couple of years ago. We are constantly upgrading our facilities with more energy efficient things. We typically look for three to five year pay back period. The gentlemen before referred to a 100 year period. I think that's where we have some serious concerns. We -- if this is adopted, we would be first off, turning control of capital building projects over to a private not-for-profit agency. They would be the ones to certify or not certify, although we -- there's a provision in here that says that we can't -- we have to build or implement the most -- the highest rated project first. So in other words, if we had any renovations to

the Labor Department that was ranked higher in LEEDS than the jail

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project, we would implement the renovations in the Labor Department before constructing a new jail unless there was a waiver granted.

LEG. GULDI:

Is there a way to obtain their review and evaluation of our projects on an advisory basis?

COMMISSIONER BARTHA:

I'm not sure why we would have to have them involved at all. They do -- they publish, which is attached here, the LEEDS criterion ranking system. We had given consideration and suggested that possibly that the department could do the ranking and it would be part of CEQ's review when they evaluate the projects.

LEG. GULDI:

On any project though, once you have designed it -- or in the course of designing it, the fresh look by another set of eyes, frequently can lead to enhancements. You know, how could it hurt?

COMMISSIONER BARTHA:

Well, it could hurt the schedule. It could hurt the cost. They don't have the same budgetary concerns that we share. I think when you are looking at a bonding period on most of these jobs that we do for 20 years, you certainly don't want a pay back that's any longer than 20 years. We would have to -- any project that this applied to, it's possible we would have to come back to you for an increase in the Capital Program to cover the additional costs, not only of the construction, but of the engineering, and you may be able to look forward to a pay back over the course of 20 years. What we found in some of the energy conservation areas, and I know energy conservation is only one part of the LEEDS Program, but what's energy efficient today, five years from now, there's even better technology. So we look for extremely short pay back periods in this kind of work. And they are available, they absolutely are available. This piece of equipment that we will be installing at Cohalan that you approved earlier, this chiller, is 80% more efficient than what was available ten years ago, or what I should say DASNY specified ten years ago.

LEG. VILORIA-FISHER:

Mr. Chair. Are you finished, George?

LEG. GULDI:

Yes.

CHAIRMAN CARACAPPA:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Okay. Charlie, you and I have spent some time discussing this with other people in your department. And if you look at the legislation itself, at the resolution itself, it says in the first resolve that we would apply the principles of the LEED building rating system. Now, when you and I first talked about this in January, you said, well, I don't know if we could meet all of the requirements set forth in LEED. And so you said that you needed a little time to work on what would be doable for your department. Can you just pass this down, George.

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About four months after -- five months after that meeting, your department came up with the two pages that I have asked George to hand to my left. If you'll notice -- you all have a copy of the legislation in front of you -- the department gave us this list, which begins with sustainable sites. If you compare it to the LEED principles that are enumerated on Roman Numeral III, just looking at the table of contents, you have sustainable sites and the credit areas are under that -- excuse me, Brian, I'm just trying to compare the two of these so you can see that I am not really working contrary to the department. The sheet that we just handed out was prepared by the department as to what they could address, okay? So if you compare what they said that they could address on one side to the table of contents of the LEED guidelines on the other, you will see that they're replicated.

The reason I attached the LEED guidelines as the backup to this is that I felt that the two page summary that was given to us by the Department of Public Works didn't give us enough detail for people to understand what we were asking the Department of Public Works to do. The material that you have as backup gives us the details, that's one of the differences. Another difference is that I'm asking that the Department of Public Works reach a 32 point level, which is certification level. The items that the Department of Public Works has listed as doable if we add all of the different levels that they have, it comes to about 50 point that they would be able to reach. So we're definitely within a comfortable level, because some of these categories appear more than once in more than one way. So it comes to about 50 points. The third is that if you go back to the resolution -- and to address what Charlie said with regard to prioritization, we're asking for priority ranking, our Capital Project has priority rankings as part of how a Capital Project -- our Capital Budget is put together.

It doesn't mean that you are prohibited from working outside of that prioritization if needs be. So we have seen projects that are

prioritized, have a priority number of 50, sometimes able to be done before something that has a priority number of 28 for one reason or another, because feasibility is complex. Another issue is that we're not giving this over to another agency. What I'm asking is for us to look at principles of LEED and for that check list to be done at the Department of Public Works, for CEQ to have review as to whether or not the Department of Public Works has gone through these guidelines. And if you look at a variety of issues here, they are environmental issues; water efficiency, energy and atmosphere, renewable energy use, high efficiency appliances. Recently we asked CEQ if they had queried DPW as to whether they would be using energy efficient appliances. CEQ -- Jim Bagg's response at the Energy and Environment Committee was that it was not a question they asked. What this is trying to do is codify those questions. Are we using renewables? Are we using sustainable sites? Are we using materials and resources that are environmentally friendly? Are we providing the healthiest atmosphere for the people who are working in the building or any clients that use the building?

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If you look closely at this, there's nothing that outlandish about this outline. I know because of my Energy Committee that the Department of Public Works has been working toward achieving many of these goals. I don't think it's that far beyond your scope to be able to reach a certification level based on these principles. And that's why I'm asking this committee to approve this resolution today and to move it forward, because I don't believe that the issues that you have raised today, Charlie, really rise to the level that would lead us to feel that this is not a doable project. If there is something, please explain it to me, because I haven't seen anything that would preclude you from being able to meet the goals of this legislation.

COMMISSIONER BARTHA:

Well, I would be glad to answer any questions, but you know, we have met on this a couple of times, and we have spoken about it now, so I don't know if I can add anything to what I said to you before.

Clearly there's a big difference between Exhibit A, which is attached and what when we provided, which we had anticipated was going to be Exhibit A. And I only received this most recent corrected copy about ten minutes before meeting so -- with the Exhibit A. Therefore, it's difficult for me --

LEG. VILORIA-FISHER:

This was laid on the table.

COMMISSIONER BARTHA:

I don't know what to tell you.

LEG. VILORIA-FISHER:

Okay. Well, it was available to you. And you know what Exhibit A looks like.

COMMISSIONER BARTHA:

Well, I thought Exhibit A was what we had provided.

LEG. VILORIA-FISHER:

We had looked at that in my office, Charlie.

COMMISSIONER BARTHA:

Right. I know what it is, but we had anticipated that this -- and I had given you written comments that this is what should be Exhibit A. That was back in May I believe.

CHAIRMAN CARACAPPA:

All done? Legislator Lindsey.

LEG. LINDSAY:

Charlie, bottom line, if this resolution is approved, what does the department feel it will do to their construction schedule?

COMMISSIONER BARTHA:

Well, it will -- I'm a little -- let me genuinely ask a question here. I'm a little confused as to the fifth resolved clause where it talks about projects for which bond proceeds have been appropriated but serial bonds have not been issued. For projects that have been --

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where construction money has been appropriated, such as the court, but the serial bonds have not issued, is this going to apply to that?

MR. SABATINO:

Yes.

COMMISSIONER BARTHA:

Then it's going to delay construction projects.

LEG. VILORIA-FISHER:

By how much and why?

COMMISSIONER BARTHA:

Well, because we will have to go through LEED certification. We will have to return to SEQRA and really start from scratch. And if the building doesn't meet the 32 point certification level, we really have to go back to considering what other measures we can incorporate into the project or what things to change at a cost of both engineering as well as construction to accomplish that and time.

CHAIRMAN CARACAPPA:
Brian?

LEG. FOLEY:

I just had a question. Thank you madam -- Mr. Chairman. Commissioner, as much as I'm supportive of the sponsor's resolution and I can say that judges need to be a little more green in some of their decision making as they've done over a period of cases, but I'm always, you know, aware of your concerns. But then when I look at the number of governmental entities that have signed on to this approach; cities, counties, states, I would imagine that their concerns have been addressed and why are your's or your department's any different from the City of Denver, Colorado, for instance?

COMMISSIONER BARTHA:

Tedd can address that. I think what you have to be concerned about is what signed on means.

LEG. FOLEY:

Okay.

MR. GODEK:

I don't know that I am the person to answer specifically that question. Maybe Mr. Caradonna who was up here before who has a better handle on that could help us out on that account. However, as I understand it, there are only 54 projects certified throughout the country as we stand right now. There are none on Long Island. And although USGBC has been around for ten years, for a large segment of the construction industry, it is still a burgeoning process or study for lack of better term. This resolution seems to throw us right into the thrust of it. It doesn't give us a lot of latitude as I see it.

LEG. FOLEY:

Let me ask this question. Let me interrupt. I see start a State of New York Dormitory Authority, does that mean that the Dormitory Authority has completely signed onto this Green Program? Because we

have a number of -- for instance, a number of community college projects, and I can tell you that sitting as Chair of the Health and Education Committee, I haven't heard the -- those in charge of the Capital Program at the college mention anything about Green Buildings and the like. But could we have, Mr. Chairman, I don't know whether the department sitting here or the gentlemen from the green Building Council could tell us -- I mean, how and in what way has the Dormitory Authority, for instance, of the State of New York signed onto this? As fully as this resolution intends for us at the County level to do?

Is that all right, Mr. Chairman, if he steps forward? It's up to you, Mr. Chairman.

LEG. FOLEY:

Why don't you go to the podium.

MR. CARADONNA:

The Dormitory Authority and all state agencies under George Pataki, Governor Pataki's Executive Order 111 have signed on for -- to lead, following it as a guideline. They're not going through certification on every single building. There are dormitories going up at Stony Brook University right now that are not going to be certified. What the issue is here is what we would like to see is that you use this guideline, use LEED, pick and choose the projects, because some projects, for instance, if you were doing a simple building, office building, you may only want to receive certification or achieve points to certification. There's no reason you have to go to USGBC and get it certified. But if you did an environmental center that was in a wetlands area that was environmentally sensitive area, that might be something that you would say, yeah, this is some place we want to go.

LEG. FOLEY:

Let me ask it this way through the Chair, is what Legislator Viloría-Fisher sponsoring today any different from what New York State Dormitory Authority has signed on to?

MR. CARADONNA:

As far as I've read parts of it, it's pretty much the same thing; follow it as guideline. We're not asking -- it doesn't seem like this piece, this resolution, is asking anybody to go to USGBC to register your projects, to go through process. There are certain clients who choose to do that; Westhampton Beach Village Hall is a project we're working on right now. And in that, they need to convey to their development in their village --

LEG. FOLEY:

Okay. I understand the point.

LEG. VILORIA-FISHER:

Could I just clarify something?

LEG. FOLEY:

In a moment. In a moment, please.

LEG. VILORIA-FISHER:

It doesn't require certification.

CHAIRMAN CARACAPPA:

It says in the bill.

LEG. VILORIA-FISHER:

No, it doesn't. To reach the level that's called certified is what it's saying, not that it requires certification to follow the principles.

LEG. CRECCA:

Certified ranking.

LEG. VILORIA-FISHER:

Certified ranking, but that doesn't mean -- in the ranking system, if you look in the book, there are -- there's a platinum, silver, gold and certified. So all I'm asking is for the lowest level, but for us to go with those principles and measure ourselves, not to register, okay? Thank you, Peter for underscoring that, because I think that was the confusion.

LEG. CRECCA:

But it says that we can't make any appropriations under the bill unless it meets that certification. We don't have any exception.

LEG. VILORIA-FISHER:

Okay. Yes, but not -- we don't have to certify it through the organization.

CHAIRMAN CARACAPPA:

Who certifies it?

LEG. VILORIA-FISHER:

We do. It comes to CEQ and the Legislature for us to approve of the building -- you know, approve of the project. We look at it as they have -- they reached 32 points. That's why I asked them to do a grid, I had asked DPW to do a grid that would be attached to the resolution that could be a check off. This was done -- this wasn't done and why not? That's why I was a little bit disheartened when what I got was this, because we were looking for something to be workable, where they could say, you know, sustainable site, our selection, we were able to, you know, find a site that would not be as harmful to the environment. Okay. We do a lot of this already in CEQ.

CHAIRMAN CARACAPPA:

Let me just -- a hypothetical. Legislator Foley, if you would allow.

LEG. VILORIA-FISHER:

I'm sorry, Brian, they were all commenting.

CHAIRMAN CARACAPPA:

We go ahead with this, it's two years from now, the building is done

under this idea, it comes back to the Legislature in CEQ with a basic check list. Is that what you are saying, that a resolution would be filed and we would go through a check list and approve the finalization of the construction?

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LEG. VILORIA-FISHER:

No. No. No. No.

CHAIRMAN CARACAPPA:

Okay. Explain it one more time.

LEG. VILORIA-FISHER:

This is in the planning, not --

CHAIRMAN CARACAPPA:

Okay. So it's the same thing I just said, but for the planning purposes. We would basically have veto power over planning now.

LEG. CRECCA:

No. It says it has to meet those guidelines.

LEG. VILORIA-FISHER:

It has to meet the guidelines in the planning stages.

CHAIRMAN CARACAPPA:

Right. And if it didn't, we -- it's out the window.

LEG. CRECCA:

We can't appropriate the money.

LEG. VILORIA-FISHER:

If we -- if it didn't, we wouldn't approve of it and CEQ wouldn't approve if it. But it's very low, certified as a very low level that's easy to reach and --

CHAIRMAN CARACAPPA:

I understand that.

LEG. VILORIA-FISHER:

-- and DPW has maintained that that's the direction that they are going in anyway.

CHAIRMAN CARACAPPA:

Legislator Foley did have the floor.

LEG. FOLEY:

Other people had some thoughts that arise of the questions that are

being asked. Let me just take it back for a moment. Back to the Dormitory Authority, certainly, Mr. Godek, you have had a lot of interaction with the Dormitory Authority. Have you reached out to them on this particular resolution.

MR. GODEK:

Actually, I have not had a lot of direct contact with the Dormitory Authority.

LEG. FOLEY:

I thought you had with some of your projects though. Actually, I think the Chair should try to have a little more interaction between DPW and the Dormitory. Why don't you reach out to them and see what

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their -- not only their thoughts, but what their experience has been with this?

COMMISSIONER BARTHA:

Should we be researching this resolution?

LEG. FOLEY:

Absolutely. It's going to impact your department. It has to be done by both us, but definitely by the department. I mean, the department has a position on an issue and we -- as one Legislator, you know, all of us always want to hear the input of the department on something. But it's incumbent upon a department if a bill is going to impact their operations that, you know, as much as Legislators have to do their due diligence, I think the department should too, particularly as it -- because they feel strongly about a particular resolution.

CHAIRMAN CARACAPPA:

You're done, Brian? I'm going to give it over to Bill in a second. I just wanted to say this: As Chairman of this committee, I want to have the opportunity, maybe over the break, seeing that the scope of this project, Legislator Vilorio-Fisher, to have the opportunity to reach out to these other municipalities and ask them. I would like to compile data, I would like to actually just have a one on one conversation with the people in charge of this municipality and those projects to see how they dealt with it in an effort to just gain a better sense.

LEG. VILORIA-FISHER:

I really appreciate that, because I have been very frustrated. I did meet with DPW in January in good faith, and I'm very, very disturbed that this is what they came up with.

CHAIRMAN CARACAPPA:

Let's move forward here.

LEG. VILORIA-FISHER:

I went to our professionals and asked them to look at this. I had to go on what I had, because this is all they gave me. So I appreciate it, Mr. Chair, if you and anyone else who's interested does research it along with me.

CHAIRMAN CARACAPPA:

I will make phone calls during the time we have over summer to some of these project coordinators and the other municipalities, and I will speak with them to see how it went. I think that's a fair enough at this point in time.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

On the motion.

CHAIRMAN CARACAPPA:

And I would ask Mr. Caradonna if he could supply me with contact people from those areas.

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MR. CARADONNA:

Absolutely. If I may, USGBC Long Island will extend ourselves to DPW to make a presentation in detail of the LEED system so that they can become more familiar. Because really what I have sat here and listened to is some what of a lack of familiarity with the program.

LEG. FOLEY:

That's right.

CHAIRMAN CARACAPPA:

Exactly. And in an effort to get to that place, it's probably going to take a little more time. Legislator Lindsay.

LEG. LINDSAY:

In that effort to research, I'd like you to take a look too at what the state has done and the policy they've established and how it differs from this policy.

CHAIRMAN CARACAPPA:

Yes, I will. I will reach out to DASNY as well and speak with them and get a better feeling. And as we discuss the bill, as we move forward, maybe after the break, we will have a much better understanding as to which direction --

LEG. VILORIA-FISHER:

I would be happy to join you in those discussions.

LEG. CRECCA:

If I could just add. One thing I want the sponsor to look at is I think everyone agrees the concepts that are involved here are good concepts, I think Public Works agrees with that too, one of my concerns, which I'd ask you to look into more and I'll try to do the same thing, is making it less rigid. I know here it has to be gold, silver or platinum and has to meet those certifications to allow flexibility for -- there maybe reasons even as the speaker had said to us earlier, where you have small building which doesn't need to meet criteria and things like that.

LEG. VILORIA-FISHER:

But actually, the way we did it in the legislation, it's not very rigid. When you look at it more closely, you will see it's very flexible. You'll see it's easy to reach 32 points.

CHAIRMAN CARACAPPA:

Just make sure Mr. Caradonna has our office information so that we can get that information from him. Legislator Guldi.

LEG. GULDI:

One of the concerns I have, it's actually a twofold concern. The compelling DPW design built everything to certification standards, in some circumstances it might be excessive, but it's more likely in my opinion to frequently turn out to be inadequate. Rather than -- just in terms of embarking on this kind of analysis, and it's the analysis which is I think the important part, I would be more interested in seeing a program that requires the analysis and ranking to be presented with each project so the work is done and that the factors

are considered and the projects are evaluated and rated, then I would be in seeing a rigid criteria at any level, whether it's certification level or at the platinum level. I'd like the sponsor to consider that kind of an approach rather than a rigid fixed approach in embarking on this. The analysis factors to design criteria, frankly, in my opinion, it's merely a sound application of -- it's merely -- it compels an application of sound design consideration. We ought to simply reflect the extent to which we are doing that and report on it in connection with that design. Would that -- I mean, without giving us -- without marrying us to a certification level and certainly letting us consider, you know, as you go do your analysis, yeah, you could look at the -- yeah, we could get another 22 points by doing X, Y and Z at cost of whatever. We could -- you know, we could do the

math, we can understand those concepts, we can make the policy determinations based on them, I don't think we need rigid adherence to a standard, particularly since I think frequently we find the standard articulated to be really inadequate, that we'd want to go beyond it.

LEG. CRECCA:

It changes too.

LEG. GULDI:

Yeah, that's another good point. And the technology changes only in more rapidly than it's taken us to discuss this issue.

CHAIRMAN CARACAPPA:

Speaking of time consideration, I have some currently.

LEG. CRECCA:

Is there a motion?

CHAIRMAN CARACAPPA:

There is a motion to table and a second. All in favor? Opposed? Abstentions? TABLED (VOTE: 5-0-0-0)

Thank you, Legislator Vilorio-Fisher, for coming down and explaining to us. We have one Sense Resolution.

SENSE RESOLUTION

Sense 49-03 - Memorializing Resolution requesting New York State Department of Transportation to create center turn lane on Jericho Turnpike (Route 25), in the Town of Huntington. (BINDER)

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, seconded by myself. All in favor? Opposed? Abstain? It's APPROVED (VOTE: 5-0-0-0)

Any other business to come before the committee? Hearing none, we're adjourned.

(*THE MEETING WAS ADJOURNED AT 4:42 P.M.*)

Legislator Joseph Caracappa, Chairman
Public Works & Transportation Committee

{ } DENOTES BEING SPELLED PHONETICALLY